

Introduced by Senator Berryhill
(Principal coauthor: Assembly Member Halderman)

February 15, 2011

An act to amend Section 42238.20 of the Education Code, relating to school funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as introduced, Berryhill. School funding: minimum schoolday.

Existing law sets the minimum schoolday in a high school, except certain schools, including a regional occupational center, and except for pupils enrolled in a work experience education program, at 240 minutes.

Existing law, until July 1, 2012, requires the Superintendent of Public Instruction to compute an amount of funding for each pupil concurrently enrolled in regular secondary school classes and classes operating pursuant to a joint powers agreement that became effective prior to January 1, 2008, for the period of time the pupil attends classes pursuant to the joint powers agreement, by performing specified calculations. Existing law requires, for these pupils, that a 180-minute schoolday be computed and reported as attendance for $\frac{3}{4}$ of the full 240-minute schoolday for purposes of those calculations. Existing law requires that the number of hours of instruction at regional occupational centers or programs that are claimed for funding pursuant to these provisions be used, in addition to specified hourly rates, in the computation of the average daily attendance of the regional occupational center or program.

This bill would extend indefinitely the provisions regarding the computation of attendance for pupils concurrently enrolled in regular

secondary school classes and classes operating pursuant to a joint powers agreement that became effective prior to January 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42238.20 of the Education Code is
2 amended to read:
3 42238.20. (a) Notwithstanding any other provision of law,
4 commencing in the 2008–09 fiscal year, the minimum schoolday
5 for a pupil concurrently enrolled in regular secondary school classes
6 and classes operating pursuant to a joint powers agreement that
7 became effective prior to January 1, 2008, is 180 minutes. These
8 regular secondary school classes constitute regular school classes
9 for the purposes of Section 46010.3.
10 (b) Notwithstanding any other provision of law, for purposes
11 of computing the average daily attendance of a pupil described in
12 subdivision (a), the 180-minute minimum schoolday permitted by
13 this section shall be computed and reported as attendance for
14 three-quarters of the full 240-minute minimum schoolday
15 prescribed by Section 46141.
16 (c) For a pupil described in subdivision (a), the average daily
17 attendance shall be included as school district average daily
18 attendance computed pursuant to Section 42238.5.
19 (d) (1) Commencing with the 2008–09 fiscal year, the
20 Superintendent shall compute funding for each pupil enrolled in
21 classes as described in subdivision (a), for the period of time each
22 day during which the pupil attends classes pursuant to a joint
23 powers agreement, by multiplying the annual clock hours of
24 attendance, up to a maximum of three clock hours per schoolday,
25 by the rate described in subdivision (e) or (f), as applicable.
26 (2) The Superintendent shall add the amount computed pursuant
27 to paragraph (1) to the revenue limit calculated pursuant to Section
28 42238 for the school district of attendance of the pupil.
29 (3) A pupil shall not generate apportionment credit pursuant to
30 this subdivision for more than 540 hours in any school year.
31 (e) The hourly rate for the 2008–09 fiscal year shall be
32 determined as follows:

1 (1) Subtract 73.3 percent of the school district revenue limit
2 funding per unit of average daily attendance computed pursuant
3 to Section 42238 for the 2007–08 fiscal year for the school districts
4 that entered into the joint powers agreement from the statewide
5 average revenue limit funding per unit of average daily attendance
6 received by high school districts computed pursuant to paragraph
7 (1) of subdivision (a) of Section 47633 for the 2007–08 fiscal year.

8 (2) Divide the amount computed in paragraph (1) by 540.

9 (3) Multiply the amount in paragraph (2) by the cost of living,
10 deficit factor, and equalization adjustments applied to revenue
11 limits for the 2008–09 fiscal year.

12 (f) Commencing with the 2009–10 fiscal year, the hourly rate
13 for the current fiscal year shall be determined by multiplying the
14 prior year hourly rate by the cost of living, deficit factor, and
15 equalization adjustments applied to the current year revenue limit
16 computed pursuant to Section 42238.

17 (g) For purposes of computing attendance pursuant to Section
18 46300 or any other provision of law, immediate supervision and
19 control of pupils while attending classes pursuant to a joint powers
20 agreement described in subdivision (a) is deemed satisfied
21 regardless of the school district employing the certificated
22 employee providing the supervision and control, provided the
23 school district is a party to the joint powers agreement.

24 (h) The auditor who conducts the annual audit pursuant to
25 Section 41020 shall verify compliance with the requirements of
26 this section by each school district that is a party to the joint powers
27 agreement as described in subdivision (a). An instance of
28 noncompliance shall be reported as an audit exception. If the
29 noncompliance is a condition of eligibility for the receipt of funds,
30 the audit report shall include a statement of the number of units
31 of average daily attendance or hours, if any, that were
32 inappropriately reported for apportionment.

33 (i) Notwithstanding any other provision of law, the number of
34 hours of instruction at regional occupational centers or programs
35 that are claimed for funding pursuant to subdivision (d) shall be
36 used, in addition to the hourly rate determined pursuant to
37 subdivision (e) or (f), whichever subdivision is applicable, in the
38 computation of the average daily attendance of the regional
39 occupational center or program.

- 1 (j) ~~This section shall become inoperative on July 1, 2012, and,~~
- 2 ~~as of January 1, 2013, is repealed, unless a later enacted statute,~~
- 3 ~~that becomes operative on or before January 1, 2013, deletes or~~
- 4 ~~extends the dates on which it becomes inoperative and is repealed.~~